

Practitioner's Docket No. TI-32986

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **DAVID P. MAGEE, ET AL.**

Serial No.: **10/044,638** Group No.: **2614**

Filed: **October 19, 2001** Examiner: **Alexander Jamal**

For: **SIMPLIFIED NOISE ESTIMATION AND/OR BEAMFORMING FOR WIRELESS  
COMMUNICATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicant hereby appeals to the Board from the decision of the Primary Examiner, mailed April 19, 2007, finally rejecting claims 54-74.

Transmitted herewith is/are the following in the above-identified application:

- |   |   |
|---|---|
| <input type="checkbox"/> Response/Amendment           | <input type="checkbox"/> Petition to extend time to respond |
| <input type="checkbox"/> New fee as calculated herein | <input type="checkbox"/> No additional fee                  |
| <input type="checkbox"/> Other: _____                 |   |

---

**CERTIFICATION UNDER 37 CFR §§ 1.8(a) and 1.10\***  
(Express Mail certification is optional.)

I hereby certify that this correspondence is being transmitted electronically to the *Commissioner for Patents*.

Date of Deposit July 18, 2007

PAGES TRANSMITTED: 2

Typed Name: Lisa D. Jones

Signature: 

\*Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

### FEE FOR FILING A NOTICE OF APPEAL

Pursuant to 37 C.F.R. 1.17(e), the fee for filing the Notice of Appeal is:

<input type="checkbox"/> Small Entity	\$ 250.00	
<input checked="" type="checkbox"/> Other than a small entity	\$ 500.00	
<b>SUBTOTAL OF ADDITIONAL FEES</b>		<b>\$500.00</b>

*The time periods set forth in 37 C.F.R. 1.191  
are subject to the provision of § 1.136 for patent applications.  
37 C.F.R. 1.191(d). (But see 37 C.F.R. 1.645 for extension of time in interference  
proceedings and 37 C.F.R. 1.55(c) for extension of time in reexamination proceedings).*

Applicant petitions for an extension of time under 37 C.F.R. §1.136  
(FEES: 37 C.F.R. §1.17 (1) - (4) for the total number of months checked below:

EXTENSION	1ST MONTH	2ND MONTH	3RD MONTH	4TH MONTH	
Large Entity	<input type="checkbox"/> \$120.00	<input type="checkbox"/> \$450.00	<input type="checkbox"/> \$1,020.00	<input type="checkbox"/> \$1,590.00	
Small Entity	<input type="checkbox"/> 60.00	<input type="checkbox"/> 225.00	<input type="checkbox"/> 510.00	<input type="checkbox"/> 795.00	
					<b>\$500.00</b>

I An extension for \_\_\_\_\_ month(s) has already been secured and the fee paid therefore of \$\_\_\_\_\_ is deducted from the total fee due for the total month(s) of extension now requested.

POF Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

<b>TOTAL ADDITIONAL FEE FOR THIS NOTICE OF APPEAL</b>	<b>\$500.00</b>
---	-----------------

#### FEE PAYMENT

- Authorization is hereby made to charge the amount of **\$500.00**  
  - to Deposit Account No. 20-0668.
  - to Credit card as shown on the attached credit card information authorization form PTO-2038.

*WARNING: Credit card information should not be included on this form as it may become public.*

- Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

#### FEE DEFICIENCY

- If any additional extension and/or fee is required, charge Deposit Account No. 20-0668  
**AND/OR**
- If any additional fee for claims is required, charge Deposit Account No. 20-0668.

Date: 18 July 2007

Customer No.: 23494

Reg. No.: 39,334



Signature Of Attorney

**GARY J. PITZER**  
**TAROLLI, SUNDHEIM, COVELL & TUMMINO L.L.P.**  
526 Superior Avenue – Suite 1111  
Cleveland, OH 44114-1400  
Tel. No. (216) 621-2234